

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

No. 10CR0228-LTS

-against-

DANIEL BONVENTRE,
ANNETTE BONGIORNO,
JOANN CRUPI,
JEROME O'HARA &
GEORGE PEREZ

Defendants.

ORDER REGARDING SUBMISSIONS CONSIDERED IN CONNECTION
WITH SENTENCINGS OF ABOVE-CAPTIONED DEFENDANTS

In connection with the sentencings scheduled for December 8, 9, 10 and 15, 2014, the Court has reviewed the Presentence Investigation Reports and the submissions listed on the attached Schedule A. All Defendants' submissions are included here because each of the Defendants has joined some or all of their co-Defendants' arguments. Briefs filed in connection with Defendants' post-trial motions are included because several parties have cross-referenced their earlier submissions. Counsel are requested to inform the Court promptly of any omissions or necessary corrections.

SO ORDERED.

Dated: New York, New York
December 5, 2014

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

SCHEDULE A

DATE FILED	DOCKET #	PARTY	DOCUMENT	EXHIBITS
4/15/14	970	Bongiorno	Letter re: post-trial motions, moving for dismissal of all counts pursuant to Rule 29(c)	1 & 2
4/15/14	971	Crupi	Memo in Support of Rule 33 motion for new trial	
4/15/14	972	Crupi	Memo in Support of Rule 29(c) motion for acquittal	
4/16/14	976	Bonventre	Memo in Support of Motion for acquittal under Rule 29 or for a new trial under Rule 33	
4/16/14	977	Perez	Memo in Support of Motions for new trial (Rule 33) and judgment of acquittal (Rule 29)	
4/16/14	980	O'Hara	Memo in Support of motions for acquittal (Rule 29) or new trial (Rule 33)	
5/16/14	994	USA	Memo in Opposition to Defendants' motions for acquittal and new trial	
6/6/14	1006	Perez	Reply Memo in Support of Motions for new trial (Rule 33) and judgment of acquittal (Rule 29)	
6/13/14	1011	Crupi	Reply Memo in Support of Rule 29(c) motion for acquittal	

DATE FILED	DOCKET #	PARTY	DOCUMENT	EXHIBITS
6/13/14	1012	Crupi	Reply Memo in Support of Rule 33 motion for new trial	
6/13/14	1013	O'Hara	Reply Memo in Support of motions for acquittal (Rule 29) or new trial (Rule 33)	A & B
6/13/14	1015	Bonventre	Reply Memo in Support of Motion for acquittal under Rule 29 or for a new trial under Rule 33	
6/25/13		Bongiorno	Letter re: objections to PSR disclosed 6/13/14	
6/25/14	1033	USA	Letter re: Proposed Forfeiture Orders, procedures for addressing forfeiture issues	
6/26/14		Crupi	Letter re: objections to PSR	
7/2/14	1050, 1050-1	USA	Cover Letter/Proposed Forfeiture Order for Perez	1050-2: Roberts Decl. as to Perez
7/2/14	1045, 1045-1	USA	Cover Letter/Proposed Forfeiture Order for Crupi	1045-2: Roberts Decl. as to Crupi
7/2/14	1045, 1045-3	USA	Cover Letter/Proposed Forfeiture Order for O'Hara	1045-4: Roberts Decl. as to O'Hara
7/2/14	1042, 1042-1, 1042-2	USA	Cover Letter/Proposed Forfeiture Order for Bonventre	1042-2: Roberts Decl. as to Bonventre
7/2/14	1042, 1042-3, 1042-4	USA	Cover Letter/Proposed Forfeiture Order for Bongiorno	1042-4: Roberts Decl. as to Bongiorno

DATE FILED	DOCKET #	PARTY	DOCUMENT	EXHIBITS
7/8/14	1053	Perez	Letter re: objections to PSR disclosed 7/2/14	
7/9/14	1054/ 1055	Bongiorno	Sentencing Memo	A-DD
7/9/14	1056	Bonventre	Sentencing Memo	1-66
7/11/14	1059	O'Hara	Sentencing Memo	A-C; Exhibit A: Letter re: objections to PSR disclosed 7/2/14
7/11/14	1064	Perez	Sentencing Submission	*Includes DVD that accompanies sentencing letter of one of Mr. Perez's daughters. Letter filed on 7/23/14 (Docket Entry No. 1092) indicates that no transcript will be filed because DVD contains no audio other than music
7/14/14	1067	Bonventre	Letter re: objections to PSR disclosed 6/11/2013	
7/17/14	1076	Crupi	Sentencing Memo	A-F; *Exhibit D consists of DVD that was provided to chambers on 7/11/14
7/17/14	1077	Crupi	Sentencing Letter	A-E, Bowen Affidavit
7/17/14	1078	Perez	Memo in Opposition to Preliminary Forfeiture Order	Krantz Declaration re: forfeiture

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7/17/14	1079	Bongiorno	Letter re: Opposition to Preliminary Forfeiture Order	Rudy Bongiorno Declaration re: assets and forfeiture
7/17/14	1080	Bonventre	Letter re: Opposition to Preliminary Forfeiture Order	
7/17/14	1081	O'Hara (filed jointly on behalf of all defendants)	Memo in Opposition to Preliminary Forfeiture Orders	
7/21/14	1083	USA	Reply Memo re: Preliminary Forfeiture Order	A: Supp. Roberts Dec.; B: Greenblatt Dec.
7/21/14	1083-3	USA	Revised Proposed Forfeiture Order: Bongiorno	Attached as Exhibit C
7/21/14	1083-4	USA	Revised Proposed Forfeiture Order: Crupi	Attached as Exhibit D
7/22/14	1086	USA	Letter re: Victim Impact Statements and Corrected Sentencing Memo	
7/22/14	1087	USA	Corrected Sentencing Memo	
7/22/14	1088	USA	Supplemental Sentencing Submission - Victim Impact Statement Letters	Parts 1-8: Victim Impact Statements
7/25/14	1097	Bongiorno	Reply Memo - Sentencing	A-E
7/25/14	1099	Crupi	Reply Memo - Sentencing	A-E
7/25/14	1100	Bongiorno	Sentencing Letter	Attachment 1: 7/21/14 letter from Bongiorno

DATE FILED	DOCKET #	PARTY	DOCUMENT	EXHIBITS
7/25/14	1101	Perez	Reply Memo - Sentencing	
7/25/14	1103	Bonventre	Reply Memo - Sentencing	A-C
7/26/14	1105	O'Hara	Reply Memo - Sentencing	
7/28/14	1111	USA	Letter re: Agenda for Pre-Sentencing Hearing on 7/29/14	
7/29/14	1112	O'Hara	Endorsed 7/24/14 Letter re: Supplemental Sentencing Materials (additional letters and photographs)	A-B
7/29/14	1114	Perez	Letter re: Government's 7/28/14 Letter on Forfeiture Hearings	
7/31/14	1115	Submitted by Perez on behalf of all Defendants, authored by Amici (Professor Bruce Green, Fordham Law School, Counsel of Record)	Motion for Leave to File Amicus brief (brief accepted into record at 7/29/14 conference); Amicus brief "Of Professors and Practitioners as Amici in Support of Defendants"	Appendix 1: Amicus brief "Of Professors and Practitioners as Amici in Support of Defendants"
8/20/14	1124	USA	Supplemental Memo in Connection with Sentencing (largely forfeiture)	A-F
8/20/14	1124-1, 1124-2	USA	Superseding Roberts Declaration re: tracing of Madoff Securities funds for purposes of forfeiture	(Ex. A to Entry No. 1124)

DATE FILED	DOCKET #	PARTY	DOCUMENT	EXHIBITS
9/12/14	1127/ 1138	Crupi	Objections to Government's Supplemental Forfeiture and Sentencing Submissions	1-7, Ex. 1 – Bowen Affidavit
9/12/14	1128/ 1142	Perez	Supplemental Memo in Opposition to Government's Preliminary Forfeiture Order	A-B
9/12/14	1130	Bongiorno	Supplemental Sentencing Memo	Docket Entry 1131 - Riopelle Declaration with Exs A-C
9/13/14	1133/ 1141	O'Hara	Opposition to Government's Supplemental Sentencing Memo	
9/13/14	1134/ 1144	Bonventre	Opposition to Government's Supplemental Sentencing Memo	Docket Entry 1135/1143, Bonventre Declaration
9/16/14	1140	Crupi	Declaration of Eric R. Breslin re: Crupi's Supplemental Submission (excerpts from Crupi notepad, handwritten notes, article on incarcerated mothers)	A-D
9/17/14	1146	Bonventre	Sentencing Letter in support of Daniel Bonventre by Roxanne Scemla	

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9/19/14	1149	Perez, on behalf of all Defendants	Letter re: request for forfeiture oral argument, format and procedures for forfeiture hearing	
9/19/14	1150	USA	Letter re: Government's prima facie case for forfeiture with respect to each defendant	
9/21/14	1151	Crupi, on behalf of all Defendants	Response to Government letter on forfeiture, procedures for forfeiture hearing	
9/25/14	1154	USA	Supplemental Reply Memo in Connection with Sentencing	Exhibit C, Revised Crupi Preliminary Forfeiture Order
10/1/14	1163	USA	Revised Forfeiture Order re: Crupi	Exhibit A, Revised Crupi Preliminary Forfeiture Order
10/6/14	1165	Crupi	Letter Reply to Revised Forfeiture Order	
10/6/14	1167	O'Hara & Perez	Declaration of Larry Krantz - Supplemental Forfeiture Submission	Exhibits 1-3
10/6/14	1168	Bonventre	Letter: Supplemental Forfeiture Submission re: timing of Bonventre's knowledge/conscious avoidance of fraud	

DATE FILED	DOCKET #	PARTY	DOCUMENT	EXHIBITS
10/7/14	1170	O'Hara & Perez	Second Declaration of Larry Krantz - Supplemental Forfeiture Submission re: conversation between Madoff, DiPascali, Perez & O'Hara about discomfort with work on certain projects	A-D
10/8/14	1172	O'Hara & Perez	Letter - Supplemental Submission on Forfeiture	Email correspondence between Larry Krantz and Bernie Madoff re: conversation between Madoff, DiPascali, Perez & O'Hara about discomfort with work on certain projects
10/10/14	1173	USA	Letter - Response to Defendants' Supplemental Forfeiture Submissions, factual arguments on forfeiture liability	
10/20/14	1176	USA (all parties jointly)	Agenda for 10/27/14 Forfeiture hearing	
11/3/14	1182	USA	Letter in response to questions raised by Court at forfeiture hearing, plus additional argument on other issues (703 account; 18 U.S.C. § 982 and bank fraud; Crupi and Bongiorno proffer sessions)	A-H and revised proposed orders of forfeiture (most up to date)

DATE FILED	DOCKET #	PARTY	DOCUMENT	EXHIBITS
11/4/14	1183	Crupi	Letter in response to Government Letter (1182), asking that it be disregarded or that defendant be allowed to submit response	
11/4/14	1184	Bonventre	Letter in response to Government Letter (1182), asking that it be disregarded or that defendant be allowed to submit response	
11/5/14	1189	USA	Memoranda of Bongiorno and Crupi proffer session materials	
11/10/14	1192	Crupi	Letter in response to Government Letter (1182): Crupi proffer session statements, 18 U.S. C. § 982, 703 account	1-2
11/10/14	1193	Bongiorno	Letter in response to Government Letter (1182): Bongiorno's proffer session statements	
11/14/14	1194	Bonventre	Letter in response to Government Letter (1182): 703 account, bank fraud forfeiture	1-2, Florio Declaration on whether inference of fraud/Ponzi Scheme could be drawn from looking at 703 Account Statements

DATE FILED	DOCKET #	PARTY	DOCUMENT	EXHIBITS
12/2/14	1202	USA	Letter re: additional victim impact statements and absence of requests to speak at sentencings	
12/2/14	1203	Bonventre	Letter re: application for stay of forfeiture and bail pending appeal	